United Nations A/70/226–S/2015/585

General Assembly
Security Council

Distr.: General
31 July 2015

Original: English

General Assembly
Seventieth session
Item 78 of the provisional agenda*
Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Seventieth year

Report of the International Tribunal for the Former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and the members of the Security Council the twenty-second annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, submitted by the President of the International Tribunal in accordance with article 34 of the statute of the Tribunal (see S/25704 and Corr.1, annex), which states that:

> The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

* A/70/150.

15-13010 (E) 260815

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Letter of transmittal

Letter dated 31 July 2015 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the General Assembly and the President of the Security Council

I have the honour to submit the twenty-second annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, dated 31 July 2015, to the General Assembly and the Security Council, pursuant to article 34 of the statute of the International Tribunal.

(*Signed*) Theodor **Meron**
President

Twenty-second annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Summary

The twenty-second annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 covers the period from 1 August 2014 to 31 July 2015.

The Tribunal continued to focus on the completion of pending trials and appeals, rendering two appeal judgements during the reporting period. Seven cases — four trials and three appeals — remain. All 161 indicted individuals are accounted for. At the close of the reporting period, 10 persons were in appeal proceedings and four persons were on trial. The present report details the activities of the Tribunal during the reporting period and demonstrates the Tribunal's commitment to completing its proceedings expeditiously and in accordance with due process.

In this context and to the extent possible, the President of the Tribunal has undertaken and promoted efforts to monitor and prevent delays resulting from unforeseen complexities in particular cases and the loss of experienced staff members, by assigning additional staffing resources to cases that need reinforcing.

With the valuable assistance of the Office of Legal Affairs of the Secretariat and the Security Council Informal Working Group on International Tribunals, chaired by Chile, the Tribunal has ensured the continued smooth transition of its functions to the International Residual Mechanism for Criminal Tribunals.

The Office of the Prosecutor made progress towards the completion of the mandate of the Tribunal at both the trial and appellate levels. The Office continued to work closely with the authorities of the States of the former Yugoslavia to encourage cooperation with the Tribunal and to support domestic war crimes prosecutions.

Under the authority of the President, the Registry provided valuable administrative and judicial support to the Tribunal, coordinating a wide range of legal, policy and operational matters. The Registry also coordinated the practical arrangements necessary for the ongoing process of downsizing the Tribunal's operations and the transfer of responsibilities to the Mechanism.

I. Introduction

1. The twenty-second annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 outlines the activities of the Tribunal for the period from 1 August 2014 to 31 July 2015.

2. During the reporting period, the Tribunal continued to implement its completion strategy as endorsed by the Security Council in resolution 1503 (2003). The Appeals Chamber delivered judgements in the multi-accused case of *Popović et al.* and the *Tolimir* case. At the close of the reporting period, three appeals involving 10 persons and four trials involving 4 persons are ongoing.

3. Judge Theodor Meron (United States of America) and Judge Carmel Agius (Malta) continued to serve as President and Vice-President, respectively. Serge Brammertz (Belgium) continued to serve as Prosecutor and John Hocking (Australia) as Registrar.

4. Each organ of the Tribunal continued to undertake measures to improve its efficiency. The Chambers continued to identify and adopt measures to maximize the efficiency of pending judicial proceedings while preserving the highest levels of procedural fairness. The Vice-President, as Chair of the Trial and Appeals Scheduling Working Group, closely monitored the progress of trials and appeals. A number of challenges to the efficiency and timely completion of the Tribunal's proceedings identified during the reporting period were the continued attrition of the Tribunal's highly experienced staff and the ill-health of accused persons. The Office of the President and the Registrar worked closely to implement measures to address challenges related to staffing of the Tribunal.

II. Activities involving the entire Tribunal

A. President

5. The President oversaw the work of the Tribunal, focusing on the judicial responsibilities of his office and on initiatives aimed at the timely completion of trials and appeals. He worked closely with the Vice-President and the Registrar to develop and implement strategies aimed at expediting the Tribunal's judicial proceedings. In addition, he represented the Tribunal at various international forums and met with numerous government officials.

1. Preventing delays in the work of Chambers

6. The President and the Vice-President coordinated closely with judges of the Tribunal to reduce the risk of delays in trials and appeals. Among other efforts, the President closely monitored the progress of cases and proactively assigned additional legal staff to teams requiring assistance as a result of the loss of highly experienced staff members and/or unforeseen complexity in proceedings.

2. Relations with Governments and international organizations

7. During the reporting period, the President conducted an official mission on behalf of the Tribunal to Bosnia and Herzegovina from 25 to 27 November 2014. During the mission, the President met with victims of the conflicts in the former Yugoslavia and visited locations where the Tribunal established that crimes had been committed during the war. The President also took the opportunity to meet with the President of the Court of Bosnia and Herzegovina and the High Representative for Bosnia and Herzegovina.

8. July 2015 marked the twentieth anniversary of the genocide in Srebrenica. On 11 July 2015, a commemoration ceremony was held at the Potočari Memorial Centre in Bosnia and Herzegovina, with the participation of thousands of people and a host of international dignitaries. The Tribunal's President and Prosecutor attended the ceremony and delivered remarks, both emphasizing the importance of recognizing the crimes committed in Srebrenica as genocide.

9. The President also made presentations regarding the work of the Tribunal to the principal organs of the United Nations. On 13 October 2014, the President addressed the General Assembly regarding the twenty-first annual report of the Tribunal (A/69/225-S/2014/556; see also A/69/PV.24). On 10 December 2014, the President addressed the Security Council to present the Tribunal's twenty-second completion strategy report (S/2014/827; see also S/PV.7332). On 3 June 2015, the President addressed the Security Council regarding the Tribunal's twenty-third completion strategy report (S/2015/342; see also S/PV.7455).

10. The Tribunal also hosted a number of official visitors during the reporting period, who met with the President, Judges and other officials to learn about the Tribunal's achievements, challenges and ongoing work. Among the officials who visited the Tribunal were the Prime Minister of the Netherlands; a delegation of Korean judges, including the Chief Justice of the Republic of Korea and members of its Supreme Court; and diplomats from various embassies.

3. Judicial activity

11. The Statute of the Tribunal, the Rules of Procedure and Evidence and the Practice Directions confer upon the President certain judicial functions. In carrying out such duties, the President issued numerous orders assigning cases to Chambers and reviewed several decisions of the Registrar. The President also considered two requests for early release of persons convicted by the Tribunal, including a person whose appeal against his sentence is still pending; both of these requests were dismissed for lack of jurisdiction.

4. Transition to the International Residual Mechanism for Criminal Tribunals

12. The Hague branch of the International Residual Mechanism for Criminal Tribunals commenced operations on 1 July 2013, and since that date the President has been taking steps to ensure a smooth handover of functions to the Mechanism, conducting liaison with internal and external stakeholders and facilitating the development of necessary practices and procedures.

B. Bureau

13. Pursuant to rule 23 of the Rules of Procedure and Evidence, the Bureau is composed of the President, the Vice-President and the Presiding Judges of the Trial Chambers. During the reporting period, the President regularly consulted the Bureau on a host of general policy matters of the Tribunal.

C. Coordination Council

14. Pursuant to rule 23 bis of the Rules, the Coordination Council consists of the President, the Prosecutor and the Registrar. The Council held several meetings during the reporting period to discuss, inter alia, the completion strategy, archives, budgetary concerns and the transition of the functions of the International Tribunal for the Former Yugoslavia to the Mechanism.

D. Plenary sessions

15. During the reporting period, the judges held two plenary sessions, on 28 January and 8 July 2015. At the latter plenary, a decision was taken to amend rules 6 (A), 15 (B), 25 (B) and 26 (A) of the Rules of Procedure and Evidence of the Tribunal; the amendments became effective on 17 July 2015.

E. Rules Committee

16. The judicial membership of the Rules Committee comprises Vice-President Carmel Agius (Chair), President Theodor Meron, and Judges Christoph Flügge, Alphons Orie and O-Gon Kwon. The non-voting members include the Prosecutor, the Registrar and a representative of the Association of Defence Counsel. During the reporting period, the Rules Committee met on 26 February and 25 June 2015 to discuss proposed amendments to the Rules and make recommendations to the judges of the Tribunal. The amendments proposed by the Rules Committee were discussed and approved at the plenary of judges held on 8 July 2015.

III. Activities of the Chambers

A. Composition of the Chambers

17. Currently, 20 judges from 19 countries serve at the Tribunal. The Chambers are at present composed of the 13 permanent Tribunal judges, 4 permanent judges of the International Criminal Tribunal for Rwanda serving in the Appeals Chamber and 3 ad litem judges.

18. The permanent judges are: Theodor Meron (President, United States of America), Carmel Agius (Vice-President, Malta), Christoph Flügge (Germany), Alphons Orie (Netherlands), O-Gon Kwon (Republic of Korea), Fausto Pocar (Italy), Liu Daqun (China), Jean-Claude Antonetti (France), Bakone Justice Moloto (South Africa), Burton Hall (Bahamas), Howard Morrison (United Kingdom of Great Britain and Northern Ireland), Guy Delvoie (Belgium) and Koffi Kumelio A.

Afande (Togo). Patrick Robinson (Jamaica) also served as a permanent judge during the reporting period but left the Tribunal at the conclusion of his mandate with the delivery of the appeal judgement in the *Tolimir* case.

19. The permanent judges of the International Criminal Tribunal for Rwanda serving in the Appeals Chamber are: Arlette Ramaroson (Madagascar), Khalida Rachid Khan (Pakistan), Bakhtiyar Tuzmukhamedov (Russian Federation) and Mandiaye Niang (Senegal). William Hussein Sekule (United Republic of Tanzania) and Mehmet Güney (Turkey), permanent judges of the International Criminal Tribunal for Rwanda, also served in the Appeals Chamber of the Tribunal during the reporting period but left the Tribunal on 30 April, respectively at the conclusion of their mandates.

20. The Tribunal's ad litem judges are Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo), Flavia Lattanzi (Italy) and Melville Baird (Trinidad and Tobago).

21. At the close of the reporting period, the Trial Chambers were composed of Judges Orie (presiding), Kwon (presiding), Flügge (presiding), Antonetti, Moloto, Hall, Morrison, Delvoie, Mindua, Lattanzi, Baird and Niang.

22. At the close of the reporting period, the Appeals Chamber was composed of Judges Meron (presiding), Agius, Pocar, Liu, Ramaroson, Khan, Tuzmukhamedov, Niang and Afande.

B. Principal activities of the Chambers

1. Trial Chamber I

Mladić

23. Ratko Mladić is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The Trial Chamber is composed of Judges Orie (presiding), Flügge and Moloto. The trial commenced on 16 May 2012. In October 2014, the Chamber granted the Prosecution's request to reopen its case in order to present previously unavailable evidence relating to a mass grave discovered in the village of Tomašica, in the Prijedor municipality of Bosnia and Herzegovina. The preparation and presentation of this new evidence was estimated to take approximately four months and was completed on 8 July 2015, when the Defence case resumed. The Defence case is expected to continue until 2016, assuming that the Defence will use all the time it has been granted in order to present its case. Based on the extensive nature of the Defence case, the Trial Chamber expects that the post-Defence case hearings (involving the presentation of rebuttal and rejoinder evidence, as well as the testimony of possible Chamber witnesses) will take another four months. As a result of these factors, the Judgement is now expected in November 2017, eight months later than previously anticipated.

24. The judges and legal support team have taken a variety of measures to expedite preparation of the trial judgement, including requesting assignment of additional staff resources to deal with the additional complexities raised by the reopening of the Prosecution case and the magnitude of the Defence case. These

additional staff members will be assigned to the *Mladić* case on a staggered basis as they complete their duties on other cases.

2. Trial Chamber II

Hadžić

25. Goran Hadžić is charged with 14 counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia and Serbia between 25 June 1991 and December 1993. The Trial Chamber is composed of Judges Delvoie (presiding), Hall and Mindua. The trial commenced on 16 October 2012 and the judgement is now expected in October 2016, 10 months later than previously anticipated. The delay in the delivery of the trial judgement is attributable to Mr. Hadžić's health condition. The trial has been adjourned since 20 October 2014 and Mr. Hadžić is currently on provisional release. In March and June 2015, the Prosecution filed motions to proceed with the Defence case. In March 2015, the Prosecution also filed a proposal for expediting the presentation of the Defence case. In June 2015, the Defence filed a motion to terminate or, in the alternative, to stay the proceedings indefinitely, in the light of Mr. Hadžić's health condition. The Chamber is expecting more medical reports in the coming weeks, which it will take into account in deciding the parties' pending motions and in determining whether the trial proceedings can be continued. The impact of Mr. Hadžić's health situation and the prolonged adjournment of the trial on the completion of the trial judgement can thus not be fully assessed at this time. However, October 2016 is the Chamber's current best estimate for the completion of this case.

3. Trial Chamber III

Karadžić

26. Radovan Karadžić is charged with 11 counts of genocide, crimes against humanity, and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 1992 and 1995. The Trial Chamber is composed of Judges Kwon (presiding), Morrison, Baird and Lattanzi (reserve). The trial commenced on 26 October 2009. Closing arguments were heard between 30 September and 7 October 2014. The judgement is expected in December 2015, two months later than previously projected. The delay in the delivery of the judgement is attributable to serious staffing shortages caused by the departure of experienced staff members. The departure of these staff members, who possessed deep knowledge of this complex case, placed significant additional burdens on remaining staff members and resulted in this delay in the expected completion date of the trial.

27. A variety of measures to expedite preparation of the trial judgement has been taken, including recruitment of additional staff members, who are being provided support to become familiar with the case as rapidly as possible. Thanks to these measures, the trial judgement is still scheduled to be rendered in 2015.

Šešelj

28. Vojislav Šešelj is charged with nine counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia, Bosnia and Herzegovina, and Vojvodina (Serbia) between August 1991 and September 1993. Following the disqualification of Judge Harhoff in October 2013, while the case was in its deliberation phase, the Trial Chamber is now composed of Judges Antonetti (presiding), Niang and Lattanzi. The Trial Chamber's decision that the trial could continue, despite Judge Harhoff's replacement by Judge Niang, was upheld by the Appeals Chamber. Following Judge Niang's familiarization with the trial record, the Chamber commenced fresh deliberations on 30 June 2015. The last quarter of the year remains the Chamber's anticipated date for the delivery of the judgement.

4. Rule 11 bis Referral Bench

29. The Rule 11 bis Referral Bench has transferred all low- and mid-level accused from its trial docket in accordance with Security Council resolution 1503 (2003). The Rule 11 bis Referral Bench issued no decisions during the reporting period.

5. Hearings pursuant to rule 75 (H) and (G), rule 75 bis and rule 75 ter of the Rules of Procedure and Evidence

30. There were no hearings pursuant to rule 75 bis of the Rules of Procedure and Evidence. Since the responsibility for applications in cases where no chamber of the Tribunal remains seized has now moved to the Mechanism, the former specially appointed chamber that addressed applications under these rules no longer exists.

6. Principal activities of the Appeals Chamber

(a) Interlocutory appeals

31. The Appeals Chamber issued six decisions on interlocutory appeals.

(b) Appeals on the merits

32. The Appeals Chamber rendered two final judgements during the reporting period.

33. In the case of *Prosecutor v. Vujadin Popović et al.*, involving six appellants, the appeal judgement was rendered on 30 January 2015. The Appeals Chamber affirmed the majority of the defendants' convictions, while granting certain grounds of appeal raised by the Appellants. The Appeals Chamber affirmed Mr. Popović's and Mr. Beara's sentences to life imprisonment; affirmed Mr. Nikolić's sentence of 35 years of imprisonment; reduced Mr. Miletić's sentence from 19 to 18 years of imprisonment; and affirmed Mr. Pandurević's sentence of 13 years of imprisonment.

34. In the case of *Prosecutor v. Zdravko Tolimir*, the appeal judgement was rendered on 8 April 2015. The Appeals Chamber affirmed the majority of Mr. Tolimir's convictions, while granting certain grounds of his appeal. The Appeals Chamber affirmed Mr. Tolimir's sentence of life imprisonment.

35. Three Appeals Chamber cases — *Prosecutor v. Jovica Stanišić and Franko Simatović*, *Prosecutor v. Mićo Stanišić and Stojan Župljanin* and *Prosecutor v. Jadranko Prlić et al.* — are outstanding.

36. In the case of *Prosecutor v. Jadranko Prlić et al.*, the projected time frame for delivery of the appeal judgement has been revised and it is now expected in November 2017, five months later than previously anticipated. Delay in the delivery of the appeal judgement is caused by two factors: staff shortages and additional complexities identified after further review of case materials and the parties' voluminous submissions. Briefing in this case was completed on 29 May 2015.

37. The judges and legal support team are taking a variety of measures to minimize delays in the preparation of the appeal judgement. These included the recruitment of additional staff members and preparation of a plan to deploy additional staff resources on a staggered basis with the completion of other cases. The appeal hearing is still expected to take place in 2016.

38. In the case of *Prosecutor v. Jovica Stanišić and Franko Simatović*, the appeal hearing took place on 6 July 2015. The projected time frame for delivery of the appeal judgement has been revised and the appeal judgement is now expected by December 2015, later than the previous forecast of June 2015. Delay in the delivery of the appeal judgement is caused by three factors, the most significant of which is high staff attrition rates. Several members of the legal support team who had worked on the case from the beginning have left, including a highly experienced legal officer, an experienced associate legal officer and another associate legal officer. As a result of those departures, the legal support team no longer has a member who has worked on the case since its commencement. Moreover, further analysis of case materials identified additional legal complexities that have required and will require more time to address. Finally, the workload of several judges on the bench in other ongoing appeals has been immense.

39. The judges and legal support team are taking a variety of measures to minimize delays in the preparation of the appeal judgement. Two new members joined the team in February 2015 and additional efforts to find replacement staff have been made. However, new staff members require substantial periods of time to become familiar with the specifics of this complex case. Efforts have also been made to coordinate smoothly the scheduling of the pending appeals to which the judges are simultaneously assigned. As a result of those efforts, it was possible to schedule the appeal hearing of this case on 6 July 2015.

40. In the case of *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, the Presiding Judge has revised the projected time frame for delivery of the appeal judgement and it is now expected in June 2016, seven months later than previously anticipated. The appeal hearing is anticipated to take place in late 2015. In the light of this delay, a number of judges assigned to the case, but who were originally elected to the International Criminal Tribunal for Rwanda, have been replaced, owing to the scheduled closure of that Tribunal by December 2015. Delay in the delivery of the appeal judgement is caused by two factors. The most significant involves staffing-related matters, including the departure of the team leader at the beginning of the year and the unavailability of experienced staff members who could not join the team because they remained fully engaged in other cases for a significant part of the reporting period. Those circumstances resulted in the legal team's operating without a leader and full-time coordinator for approximately two months. In addition, the legal drafting team identified additional legal complexities related to challenges raised by appellants in connection with the role and alleged bias of former Judge Frederik Harhoff, who sat on the trial bench of this case.

41. The judges and legal support team are taking a variety of measures to expedite the preparation of the appeal judgement. A new team leader has been assigned to the case following the completion of her duties in another case, and additional staff members have joined the team. In addition, the drafting team is coordinating its work on related grounds to ensure early consistency between different sections of the appeal judgement.

(c) Other appeals

42. A total of 79 pre-appeal decisions and orders were issued during the reporting period.[1]

IV. Activity of the Office of the Prosecutor

A. Completion of trials and appeals and transition to the International Residual Mechanism for Criminal Tribunals

43. During the reporting period, the Office of the Prosecutor remained focused on expeditiously completing its work in the final trial and appeal proceedings, while simultaneously managing its downsizing process. The Office continued to reallocate staff and resources to ensure that all court-ordered deadlines were met. The Office continued to assist Mechanism officials and personnel in transferring functions in accordance with the transitional arrangements.

44. In the current reporting period, judgements were issued in two appeals (*Popović et al.* and *Tolimir*). At the end of the reporting period, two trials are in the defence evidence presentation phase (*Hadžić* and *Mladić*); in two trials the parties are awaiting judgement by the Trial Chamber (*Karadžić* and *Šešelj*). In one case on appeal, the parties are awaiting judgement by the Appeals Chamber (*Stanišić and Simatović*); and in two appeals the parties have completed their written submissions and are awaiting scheduling of the oral hearing (*Stanišić and Župljanin* and *Prlić et al.*).

B. Cooperation

45. The Office of the Prosecutor continued to rely on the full cooperation of States, as required under article 29 of the statute of the International Tribunal for the Former Yugoslavia, to fulfil its mandate. The Office remains satisfied with the level of cooperation between the Office and the authorities in Bosnia and Herzegovina, Serbia and Croatia.

1. Cooperation of Serbia

46. Serbia continued to play an important role in ensuring the successful completion of the work of the Office of the Prosecutor. The Office's access to documents and archives in Serbia remains important for ongoing trial and appeals proceedings of the Tribunal, and Serbia has shown diligence in processing the Office's requests for assistance.

[1] This figure includes orders and decisions filed as of 31 July 2015.

47. Serbia remains obligated to cooperate in transferring custody of individuals to the International Tribunal for the Former Yugoslavia. The Office of the Prosecutor will continue to closely monitor all cooperation issues.

2. Cooperation of Croatia

48. During the reporting period, Croatia responded diligently to the requests for assistance from the Office of the Prosecutor.

3. Cooperation of Bosnia and Herzegovina

49. During the reporting period, the authorities of Bosnia and Herzegovina, at both the State and entity levels, responded promptly and adequately to the requests from the Office of the Prosecutor for documents and access to Government archives. The authorities also provided valuable assistance with witness protection matters and facilitated the appearance of witnesses before the Tribunal.

4. Cooperation between States of the former Yugoslavia in judicial matters

50. During the reporting period, meaningful results were achieved in cooperation between regional prosecution offices in the investigation and prosecution of war crimes, demonstrating that national authorities are responding to the concerns previously expressed by the Office of the Prosecutor. In December 2014, Serbian and Bosnia and Herzegovina authorities conducted coordinated arrest operations in relation to the notorious *Štrpci* case, and initial proceedings are under way in both Serbia and Bosnia and Herzegovina to bring those arrested to trial. In March 2015, Serbian authorities, with the cooperation and support of Bosnia and Herzegovina authorities and the Office of the Prosecutor, arrested eight suspects on suspicion of participation in the Srebrenica genocide. Unfortunately, however, the *Djukić* case and other developments during the reporting period demonstrated that regional cooperation continued to face key challenges.

51. The Office of the Prosecutor encourages governmental and political authorities to avoid politicizing regional cooperation issues and allow judicial processes to resolve matters in accordance with international and national laws.

5. Cooperation of other States and organizations

52. Cooperation and support from States outside the former Yugoslavia and from international organizations remains integral to the successful completion of International Tribunal for the Former Yugoslavia cases. Assistance continues to be needed to access documents, information and witnesses, as well as in matters related to witness protection, including witness relocation. The Office of the Prosecutor again acknowledges the support it received during the reporting period from States Members of the United Nations and international organizations, including the United Nations and its agencies, the European Union, the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe and the Council of Europe.

C. Transition from the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to national war crimes prosecutions

53. As the Tribunal nears the completion of its mandate, the Office of the Prosecutor remains committed to promoting effective war crimes prosecutions in the former Yugoslavia through ongoing dialogue with counterparts and efforts to build capacity in the national justice sectors. During the reporting period, the Office continued to assist national judicial authorities in the former Yugoslavia to more successfully handle their war crimes cases. The joint European Union/International Tribunal for the Former Yugoslavia Training Project for National Prosecutors and Young Professionals from the former Yugoslavia was a central component of the Office. The Office also provided information and evidence in respect of ongoing investigations and trials, while further enabling access to its databases.

54. The Office of the Prosecutor is concerned with the pace and effectiveness of war crimes prosecutions by national authorities in the former Yugoslavia. Only a limited number of the outstanding cases at the national level have been prosecuted to date. Much more remains to be done on the most complex and highest-priority cases, particularly those involving senior- and mid-level officials.

55. Regarding the category II cases (investigation files) transferred by the Office of the Prosecutor to the Prosecutor's Office of Bosnia and Herzegovina, there was only limited progress during the reporting period. The Chief Prosecutor has given strong assurances, however, that prosecutorial decisions will be taken in all outstanding cases by the end of 2015. More generally, the implementation of the Bosnia and Herzegovina National War Crimes Strategy continues to be considerably delayed. Visible progress was not made during the reporting period resolving issues in the work of the Prosecutor's Office of Bosnia and Herzegovina, including quality control, failure to join related cases and insufficient charges for crimes against humanity. However, positive progress was made in the prosecution of the Srebrenica genocide with the filing of an indictment against three former mid-level police officials. There was also quantitative progress in the processing of war crimes cases at the entity level.

56. During the reporting period, there were a number of important results in the processing of war crimes cases in Serbia that indicate the War Crimes Prosecutor's Office is intensifying its activities and more fully directing its attention towards complex and high-profile cases. There are areas for additional efforts in the overall pace and extent of war crimes processing in Serbia, particularly involving senior- and mid-level military, police and political officials. The Office of the Prosecutor is concerned by events during the reporting period that have the appearance of improper influence on judicial authorities and pressure to stop war crimes prosecutions.

57. The Office of the Prosecutor has concluded that one of the most serious barriers to effective national justice is that national prosecution offices have not yet fully adopted and implemented strategic approaches to the investigation and prosecution of war crimes under their jurisdiction. Experiences at the International Tribunal for the Former Yugoslavia and other international criminal tribunals have demonstrated that strategic investigations and prosecutions in the framework of an

overarching prosecutorial strategy are essential when confronting large numbers of crimes committed in an organized manner. Such methods ultimately allow for more comprehensive accountability, including in particular by bringing to justice senior- and mid-level officials who bear responsibility. The Office urges national judicial authorities to adopt prosecutorial strategies to ensure that their investigations and prosecutions are coordinated and directed to achieve national post-conflict justice goals.

D. Capacity-building and legacy

58. During the reporting period, the Office of the Prosecutor continued its efforts to transfer expertise and information to national authorities in order to build capacity for national war crimes prosecutions in the former Yugoslavia. It also shared the lessons learned and best practices developed from its work with national counterparts working across a range of criminal justice sectors in Africa, South America, Europe and the Middle East. While remaining focused on its core functions, the Office continued work on a manuscript recording the fundamental insights of the Office regarding the prosecution of crimes of sexual violence, crafted with a capacity-building focus in mind. The manuscript is scheduled for publication in early 2016.

V. Activity of the Registry

59. During the reporting period, the Registry provided judicial, diplomatic, operational and administrative support for the Tribunal and managed its Outreach Programme.

60. The Registry offers its services to the Tribunal's judges and parties to proceedings, witnesses and detained persons, Member States and international organizations. The Registry administers court operations and judicial records, provides assistance to national jurisdictions, offers protection and support services to witnesses, administers the Tribunal's legal aid scheme, explains the mandate and achievements of the Tribunal, and manages the United Nations Detention Unit. It develops policies and negotiates international agreements on behalf of the Tribunal. In addition, the Registry provides the entire spectrum of administrative services necessary for the smooth functioning of the Tribunal, including human resources, security, procurement, finance, budget, information technology and general services, as well as the provision of health services.

A. Office of the Registrar

61. The Immediate Office of the Registrar supported the Registrar in his overall responsibility of directing the Registry, including supervising all Registry Sections and representing the Tribunal in its relations with the host State and other Member States, international organizations and external stakeholders. The Immediate Office of the Registrar also assisted in representing the Tribunal in its relations with the various organs of the United Nations, their departments and offices, including in submissions to the Management Evaluation Unit and the United Nations Dispute and Appeals Tribunals.

62. The Immediate Office of the Registrar also continued to support the Registrar in managing operations of the Mechanism Registry in both Arusha and The Hague, with a special focus on supporting judicial proceedings before the Mechanism, finalizing its policies and operating procedures and assisting in recruitment exercises, to guarantee the smooth and undisturbed functioning of both branches. Tribunal staff worked hand in hand with Mechanism staff to ensure that Mechanism policies are harmonized across the two branches and that they reflect the most efficient and effective procedures, benefiting from lessons learned at the Tribunals.

63. The Immediate Office of the Registrar continued to assist the Registrar and the Administrative Support Service Division with the implementation of downsizing procedures, including preparations for and commencement of the comparative review exercise for the biennium 2016-2017, and provided legal and policy advice to the Division regarding a variety of human resources issues.

B. Division of Judicial Support Services

64. The Division of Judicial Support Services consists of the Court Support Services Section, the Judicial Records Unit, the United Nations Detention Unit, and the Conference and Language Services Section. The Court Support Services Section has four units: the Witness Support and Operations Unit and the Witness Protection Unit (collectively referred to as the Victims and Witnesses Section); the Courtroom Operations Unit; and the Office for Legal Aid and Defence.

65. During the reporting period, the Registry supported four cases on trial and five on appeal (two of which were completed during the reporting period), involving 20 accused persons, and filed approximately 180 legal submissions relevant to the Tribunal's ongoing or completed cases.

1. Court Support Services Section and Judicial Records Unit

66. As of 31 July 2015, the Victims and Witnesses Section has provided operational and psychosocial assistance to 206 witnesses (and accompanying support persons) appearing before the Tribunal. In addition, the Section continued to consult with witnesses on applications to vary their protective measures in other Court proceedings, which have increased over the reporting period. Further, for its Pilot Study on the long-term impact of giving testimony at the Tribunal, the Victims and Witnesses Section achieved its goal of completing 300 witness interviews. Presentation and publication of the Pilot Study results are expected in early 2016. The Section also took active steps to address security-related concerns by witnesses, including in cases that have resulted in relocation. The Victims and Witnesses Section, finally, continued working closely with the Mechanism to streamline its practices and strengthen the working relationship between the two branches of the Mechanism.

67. The Courtroom Operations Unit supported four trials and five appeals over the reporting period, including eight videoconference links, three rule 92 bis missions and one chain of custody visit. It also assisted four self-represented accused through its *Pro Se* Office, including a convicted person. As of 31 July 2015, the Judicial Records Unit, in cooperation with the Courtroom Operations Unit, had processed approximately 90 requests for assistance submitted by national jurisdictions.

68. Moreover, as of 31 July 2015, the Judicial Records Unit had processed 3,429 Tribunal filings (124,691 pages), 299 Mechanism filings (1,920 pages) and 622 transcripts (55,005 pages). The Unit also facilitated the sharing and transfer of judicial records between the Tribunal and the Mechanism.

69. In November 2014, following a pilot study, a project was commenced to verify the completeness and accuracy of the most critical data (such as witness-related information) in judicial records of closed cases. Following their verification, the judicial records of several cases were successfully transferred to the Mechanism's Archives and Records Section. In view of its importance, the project will be continued and completed by the Mechanism.

70. The Office for Legal Aid and Defence continued to administer the legal aid system of the Tribunal, overseeing more than 170 defence team members. Of the 20 individuals in trial and appeal proceedings during the reporting period, 18 were found unable or partially unable to remunerate counsel and were thus granted legal aid. Approximately half of those cases were ranked at the highest complexity level. The Office also assisted detained witnesses with their legal representation and administered the appointment and remuneration of amici curiae. In addition, the Office provided assistance on legal, policy and operational matters relating to the management of the legal aid system of the Mechanism.

2. United Nations Detention Unit

71. The United Nations Detention Unit continued to support both the Tribunal and the Mechanism and was responsible for detaining up to 23 individuals in conditions exceeding the relevant international standards. It facilitated detainees' presence at court hearings, ensured the care and security of detained witnesses, and implemented eight provisional release decisions and orders. The Detention Unit continues to support self-represented accused in the preparation of their defence cases with a wide range of facilities. Detainees were provided with in-house medical care and specialist medical assistance. The Unit continued to tailor its regime and services to meet the specific needs of an ageing detainee population, who present a number of health issues. In addition, it facilitated medical examinations by court-appointed medical experts and physicians chosen by detainees. In April 2015, in line with the steady decrease in the detainee population, the Unit decommissioned one of its wings, thereby reducing the number of cells from 52 to 32.

3. Conference and Language Services Section

72. The Conference and Language Services Section continued to provide interpretation, translation and court reporting services for the Tribunal, resulting in approximately 45,000 pages of translation, 1,350 conference interpreter days and 28,000 pages of transcripts over the year. In September 2014, the Section delivered the Bosnian/Croatian/Serbian translation of the French Trial Judgement issued in the *Prosecutor v. Prlić et al.* case. It did so only 16 months after the date of the original judgement. With approximately 1.3 million words or 4,260 United Nations pages in the original, that was the longest judgement ever translated by the Conference and Language Services Section. Furthermore, the Section continued to closely scrutinize translation requests in order to avoid duplicates, resulting in savings of approximately $235,000 over the reporting period.

C. Transfer of records

73. The Registrar established a high-level Records and Archives Working Group to coordinate and monitor the transfer of Tribunal records and archives to the Mechanism. The Group drew up an overall plan and a comprehensive risk assessment for the project. Further, the Mechanism Archives and Records Section continued to support Tribunal offices in preparing their records for transfer to the Mechanism, providing briefings for managers and training for staff to ensure that the required standards were met. The Section also implemented a new computer system to improve the efficiency and effectiveness of the transfer process. To date, the International Tribunal for the Former Yugoslavia has transferred approximately 30 per cent of the estimated total volume of physical records that are expected to be transferred to the Mechanism. That is a significant increase from the previous reporting period, owing to the transfer of a large quantity of judicial case records. The Tribunal also began to transfer digital records during the current reporting period.

D. Communications Service

74. The work of the Tribunal continues to attract a wide audience. During the reporting period, the Tribunal hosted educational visits for more than 300 groups, welcoming over 6,500 visitors, and the audience base for the Tribunal's social media platforms continued to expand. The Tribunal's website recorded more than 2 million page views from all over the world.

75. In addition to a variety of legacy-related content posted on its website, the Tribunal has dedicated a special section of its website to the twentieth anniversary of the genocide in Srebrenica. That section includes a presentation of the Tribunal's cases involving the events in Srebrenica and a short documentary. Since its launch on 15 June 2015, the page has been visited by more than 120,000 persons and was broadcast by more than 10 television stations in Bosnia and Herzegovina, as well as other television stations in the region of the former Yugoslavia.

76. The outreach programme continued and extended its efforts to inform people in the former Yugoslavia about the Tribunal. Through 29 high school and university lectures and presentations, the outreach programme reached around 1,000 students and teachers across the region. The field offices of the Tribunal in Belgrade (Serbia) and Sarajevo (Bosnia and Herzegovina) organized 28 outreach events, reaching more than 1,200 individuals.

77. The fifth in the series of documentaries about the work of the Tribunal ("Crimes before the ICTY: Višegrad") was completed and the documentary "Crimes before the ICTY: Central Bosnia" was screened in Bosnia and Herzegovina, Croatia and Serbia. During the reporting period, 11 television stations in the former Yugoslavia, as well as United Nations Television, broadcast the documentaries, reaching tens of thousands of viewers.

78. The Tribunal continued its collaboration with local authorities and international partners to establish information centres in the former Yugoslavia. In Bosnia, the project has the support of all three members of the Presidency (Bosniak, Serbian and Croatian), who agreed that at least two information centres should be established in Bosnia, one in each of the two constituent entities (Federation of

Bosnia and Herzegovina and Republika Srpska), i.e., in Sarajevo and Banja Luka. In Sarajevo, the City of Sarajevo has been identified as the local partner that will host the information centre, and the Mayor of Sarajevo has pledged space for the information centre in the renovated City Hall. Efforts are currently ongoing for the International Tribunal for the Former Yugoslavia to sign a memorandum of understanding with the City of Sarajevo, which would then guide the process of the establishment of the information centre in the city. The authorities of the Republika Srpska are also exploring possibilities for the establishment of the information centre in Banja Luka. Further, following a request made by victims' associations from Srebrenica during a meeting with the Tribunal's President, the Tribunal has contacted the Memorial Centre Srebrenica-Potočari to explore the possibility that another information centre be established in the Srebrenica region, on the Memorial Centre's premises. The representatives of the Memorial Centre have confirmed their general interest in joining the project and agreed an exchange of letters of interest to initiate the process. In Croatia, authorities restated their position that an information centre could be hosted on the premises of the University of Zagreb, should the decision be made to establish an information centre in Croatia. In Serbia, the Government is yet to provide an official response to the proposal to establish an information centre. Initiatives in all countries will require external funding and support.

79. The European Union has provided funding for the continuation of the outreach programme until the end of August 2015. If additional funding is not secured, it is likely that the programme will terminate before the end of 2015, compromising efforts to create an infrastructure to provide information on the work of the Tribunal after its closure. The Tribunal stresses the importance of resolution 65/253, in which the General Assembly encouraged the Secretary-General to continue to explore measures to raise voluntary funds for outreach activities, and it calls upon States and other donors to offer their support.

E. Administrative Support Service Division

80. By resolution 68/256, the General Assembly approved the proposed programme budget for the Tribunal and appropriated the full amount of $201,688,200 gross ($179,998,600 net) for the biennium 2014-2015.

81. During the 2014-2015 biennium, extrabudgetary resources are estimated at $1,381,300 to be utilized for a variety of Tribunal activities. As of 31 July 2015, cash donations of approximately $53.4 million had been received by the Voluntary Fund over the lifetime of the Tribunal. For the period from 1 August 2014 to 31 July 2015, the Tribunal received and administered $894,360 in voluntary cash contributions.

82. The Administrative Support Service Division made considerable progress towards the implementation of the Tribunal's administrative liquidation plan, working toward the consolidation of staff into a single facility and the streamlining of asset disposal processes.

83. As part of the overall liquidation plan, the Administrative Support Service Division remained actively engaged in staff downsizing efforts, the plan for which, as in previous years, was formulated in full consultation with staff representatives. The Office of Internal Oversight Services noted that the comparative review and

downsizing process implemented at the Tribunal represented "best practice in leadership of a change process". The Tribunal is continuing its planned downsizing process for the biennium 2014-2015, with adjustments to timelines for downsizing of posts made in line with revisions to the trial and appeal schedule. The approved budget for 2014-2015 contemplates a phased reduction of 361 temporary posts and general temporary assistance positions during that biennium.

84. The Career Transition Office of the Tribunal supports staff in all aspects of career transition during the period of downsizing and closure of the Tribunal by offering training courses and organizing workshops and briefings.

85. The Division also coordinated the preparation of the proposed budgets for the Tribunal and Mechanism for the biennium 2016-2017, noting that the preparation of the Mechanism budget was conducted in close consultation with the International Criminal Tribunal for Rwanda, which will hand over its remaining activities to the Mechanism at the close of 2015. Moreover, during the reporting period the Administrative Support Service Division presented its first financial statements compliant with the International Public Sector Accounting Standards (IPSAS) and undertook Umoja conversion activities.

86. Finally, the Division provided overall administrative support and services to the Mechanism in the areas of human resources, general services, procurement, finance, information technology and security. Further, in anticipation of the Tribunal's closure at the end of 2017, the Tribunal continued to support the Mechanism in the creation of a lean, self-standing administration.